

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT ELKINS

FILED
SEP 07 2007
U.S. DISTRICT COURT
ELKINS WV 26241

CWS TRUCKING, INC., a
West Virginia Corporation,

Plaintiff,

v.

CIVIL ACTION NO. 2:04-CV-84
(Judge Robert E. Maxwell)

WELLTECH EASTERN, INC.,
d/b/a KEY ENERGY SERVICES, INC.,
a Delaware Corporation,

Defendant.

AGREED ORDER TO EXTEND SCHEDULING DEADLINES

Defendant Welltech Eastern, Inc., d/b/a Key Energy Services, Inc. ("Defendant"), by and through its counsel, Jackson Kelly PLLC, and Plaintiff CWS Trucking, Inc. ("Plaintiff"), by and through its counsel, Gary L. Rymer, pursuant to Rule 16 of the Federal Rules of Civil Procedure and Rule 16.01(f) of the Local Rules of Civil Procedure for the United States District Court for the Northern District of West Virginia, hereby submit the following:

WHEREAS, on November 15, 2006, this Court entered a scheduling order that established, *inter alia*, the following deadlines: (1) Discovery shall be completed by **August 1, 2007**, (2) dispositive and *Daubert* motions filed on or before **September 7, 2007**, (3) Plaintiff's final lists of witnesses and exhibits filed on or before **September 3, 2007**, (4) Defendant's final lists of witnesses and exhibits filed on or before **September 17, 2007**, (5) Pre-trial conference scheduled for **October 5, 2007**, and (6) the action should be ready for trial by **November 5, 2007**;

WHEREAS, on June 12, 2007, Defendant served Plaintiff with written discovery in the form of interrogatories, requests for production, and requests for admission;

WHEREAS, on July 16, 2007, Plaintiff responded to said discovery with objections to certain interrogatories and requests contained therein;

WHEREAS, on July 19, 2007, Defendant deposed Millard Carper, Plaintiff's designated corporate representative;

WHEREAS, during the course of said deposition, Plaintiff's counsel objected to questions relating to Plaintiff's corporate form and corporate formalities on the grounds of privilege and instructed his client not to respond;

WHEREAS, on July 20, 2007, Plaintiff noticed the corporate deposition of Defendant for July 30, 2007;

WHEREAS, said deposition was continued until August 20, 2007, at the request of Defendant;

WHEREAS, the parties agree that the deadline for discovery set forth in the November 15, 2006, scheduling order should be extended until September 15, 2007, to grant Plaintiff leave to take the corporate deposition of Defendant and to grant Defendant leave to address objections asserted by Plaintiff during the course of discovery;

WHEREAS, the parties acknowledge that extending the deadline for discovery of this action will affect other deadlines established by the scheduling order, a date for the trial of this action has not been selected and neither Plaintiff nor Defendant will be prejudiced by modifying the current deadlines contained within the scheduling order;

WHEREAS, the parties request this Court to modify the November 15, 2006, scheduling order to reflect the following dates and deadlines: (1) Discovery shall be completed by

September 15, 2007, (2) dispositive and *Daubert* motions filed on or before **October 22, 2007**, (3) Plaintiff's final lists of witnesses and exhibits filed on or before **October 18, 2007**, (4) Defendant's final lists of witnesses and exhibits filed on or before **November 1, 2007**, (5) Pre-trial conference scheduled for **November 19, 2007**, and (6) the action should be ready for trial by **December 1, 2007**;

WHEREAS, the Court finds good cause to grant the parties' request.

Accordingly, it is hereby ORDERED that the November 15, 2006 scheduling order be modified as requested by the parties.

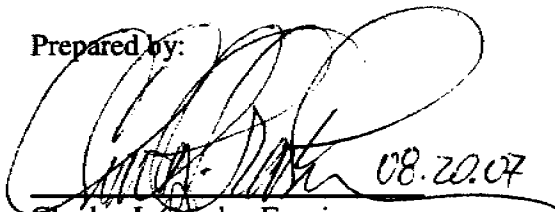
The clerk of this court is directed to transmit certified copies of this order to all counsel of record upon entry.

ENTERED this 7th day of September, 2007.




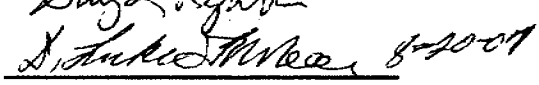
Honorable Judge Robert E. Maxwell

Prepared by:



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Agreed to by:

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